

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SIOUX SUMMER NECKLACE,

Defendant.

CR-15-88-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on July 23, 2018. (Doc. 40.) Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on July 10, 2018. (Doc. 36.) Necklace admitted that he violated the conditions of his supervised release. Necklace violated the conditions of his supervised release by (1) consuming alcohol on May 19, 2018; (2) failing to report to his probation officer; (3) failing to

maintain employment; and (4) failing to appear for substance abuse counseling. (Doc. 40 at 4.) Necklace denied committing another crime and failing to comply with the Violent Offender Registration requirements. *Id.* The United States did not present evidence of these violations. *Id.*

The admitted violations prove serious and warrant revocation of Necklace's supervised release. Judge Johnston has recommended that the Court revoke Necklace's supervised release and commit Necklace to the custody of the Bureau of Prisons for three months. *Id.* at 5. Judge Johnston has recommended that Necklace have a period of supervised release of thirty-three months following his custody period. *Id.* Judge Johnston has further recommended that if eligible, Necklace should spend up to 180 days of his supervised release in a Pre-Release Center at the discretion of the United States Probation Office. *Id.*

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Necklace's violations of his conditions represent a serious breach of the Court's trust. A sentence of custody of three months, followed by thirty-three months of supervised release, represents a sufficient, but not greater than necessary sentence.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 40) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant Sioux Summer Necklace be sentenced to custody for three months, with thirty-three months of supervised release to follow.

DATED this 9th day of August, 2018.



Brian Morris
United States District Court Judge